

State of California
Department of Industrial Relations
M e m o r a n d u m

To: ALL STANDARDS BOARD MEMBERS

Date: May 27, 2005

From: Department of Industrial Relations
Division of Occupational Safety & Health
Len Welsh, Acting Chief

**Subject: Exposure and Control Method Notification Requirements for Asbestos,
Methylenedianiline, Vinyl Chloride and Cotton Dust**

At the May 19, 2005, Public Hearing, the Occupational Safety and Standards Board considered revisions to California Code of Regulations, Title 8, Construction, General Industry and Ship Building, Ship Repairing and Ship Breaking Safety Orders, sections 1529, 1535, 5190, 5210, and 8358, Exposure and Control Method Notification Requirements for Asbestos, Methylenedianiline, Vinyl Chloride and Cotton Dust. These standards are substantially the same as the federal counterpart requirements.

Labor Code section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as a federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following three areas: 1) any clear and compelling reasons for California to deviate from the federal standards; 2) any issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking; and 3) solicit comments on the proposed effective date.

There were no oral or written comments received with the exception of a letter from federal OSHA which stated that this proposed standard meets the at least as effective as test. There were no changes made to the original proposal.

SUMMARY OF WRITTEN AND ORAL COMMENTS

I. Written Comments

Frank Strasheim, Regional Administrator, Region IX, Occupational Safety and Health Administration, by letter dated May 13, 2005

Comment:

Mr. Strasheim's letter is in response to the Board's request for advisory opinion. Mr. Strasheim stated that the proposed amendments appear to be consistent with federal OSHA's requirements and meet the at least as effective as test.

Response:

The Board thanks Mr. Strasheim for his response to the Board's request for advisory opinion.

II. Oral Comments

There were no oral comments received at the May 19, 2005, Public Hearing.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.